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No. 03-1251

Supreme Court, U.S.
FILED
JUN 10 2004
OFFICE OF THE CLERK

In The

Supreme Court of the United States

RANDOLPH WALKER,

Petitioner,

v.

QUAD GRAPHICS, INC.,

Respondent.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Eleventh Circuit

PETITION FOR REHEARING

MR. RANDOLPH WALKER
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ARGUMENT

I made a mistake on my petition for a Writ of Certiorari No. 03-1251. I have found Federal authority showing that my constitutional rights have been discriminated against, based on race. Georgia State Board of Worker's Compensation directed me to see Dr. Charles Speakman, who is a racist and his staff acted in the same way, denying me treatment when I was in pain. On one occasion. I was given an appointment to see the Doctor. When I got there, I was told that I came on the wrong day, after I drove 65 miles and I had called before arriving at the Doctor's office.

I received a letter from Dr. Speakman that was sent to the insurance company. He said that I was lying about my eye problem and that I just wanted some money from the insurance company. I asked for another hearing before the full Board in December 2000. I told the Judge how Dr. Speakman and his staff were biased with me, using racist overtones and pushing the machine against my eye in a hateful manner. The full Board judge told me that he did not want to hear what I had to say; that every court I have been to turned me down. He told me to get out of the Court room and not to come back.

At another hearing with the Board, I ask for a change in physicians from Dr. Speakman, because of his biased and racial overtones, to Dr. David Hewel, a retina specialist, and the full Board just laughed out loud. Weeks later, I received a letter in the mail denying me of change in physicians.

The Georgia State Board of Worker's Compensation, in my opinion, is a racist organization. It is well established that Dr. Speakman, a private actor has acted in

conspiracy with a State Official, Georgia State Board of Worker's Compensation. Their combined activity has constituted State action and activity: Color of State Law as a private actor liable under 1983, even if this public official enjoys immunity. The State Board of Worker's Compensation has acted under 42 U.S.C. 1983 State Law and the Board has acted in excess of power and is unconstitutional. They have violated the constitution, the fourteenth amendment of the United States.

QuadGraphics, Inc., as a private actor has also acted in concert of conspiracy with the Georgia State Board of Worker's Compensation and is liable under 1983 Act under Color of State Law (42 U.S.C. 1983). When my boss at that time, Clarence Anderson, pushed me, trying to start a fight on the job, QuadGraphics did not make any settlement with me. Upson County Hospital garnished my whole check for thirteen weeks, and QuadGraphics also did not pay me a check for a month. It was something to force me to sign a thirteen week payment for my injury. They did not say it was a settlement. This was a conspiracy to make me sign that paper. This is all I had to support me and my family.

I filed this case because the torts of negligence and defamation based on misuse of power possessed by the virtue of state law under Color of Law 1983 (42 U.S.C. 1983) actors of this conspiracy QuadGraphics. Another private actor who have acted in conspiracy with a State official is Attorney Alex Byars, P.O. Box 118, Columbus, GA 31902; Timothy V. Hanofee, 2250 North David Hills Road, Suite 123, Atlanta, GA 30329 and Deborah G. Krotenberg, P.O. Box 118, Columbus, GA 31902, all spoke against me and my doctor at the hearing before the honorable Claude A. Bray on Friday, September 3, 1993

at 9:30 AM and at a hearing before the full Board, in November 1993. Also, Attorney John M. Bruce of Weinstock and Scarvo, P.C., 3405 Piedmont Road; N.E., Suite 300, Atlanta, Georgia, 30305. My doctor was Shelby R. Wilkes, 615 Peachtree Street, N.E., Suite 815, Atlanta, Georgia 30308, telephone 404-881-6417. These attorneys misrepresented me in a Court of Law. A private person who conspires with State officials acting under Color of State law may be held liable for damages in a 1983 action for participating in the conspiracy, regardless of whether the State officials are themselves immune from suit.

Attorney Deborah G. Krotenberg told me in her office when she was training under Attorney Alex Byars, that she and Dr. Speakman had talked about my case at a Christmas party December 25, 1994. She told me this on an appointment with her after Christmas.

See West v. Atkins, 815 F.2d 993, *certiorari granted*, 108 S. Ct. 265, 484 U.S. 912, 98 L.Ed.2d 214 and *Hinson v. Edmond*, 192 F.3d 1342 (11th Cir. 1999).

This is why this case of Certiorari should be granted.

Respectfully submitted,

Randolph Walker
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CERTIFICATION

I hereby certify that this Petition for Rehearing is submitted in good faith and not for delay. This Petition for Rehearing is restricted to the grounds set out in Rule 44.2.